



# BOARDSMANSHIP

for Oregon School District, Education Service District and  
Community College Board Members



**LEADERSHIP TO LIFT OUR PROMISE OF GRADUATION**

New board members each receive a free copy of Boardsmanship for Oregon School District, Education Service District and Community College Board Members when OSBA is notified of their election or appointment.

You can access publications online at [www.osba.org](http://www.osba.org). Click on My OSBA/Member Resources.

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The key actions  
of school boards  
focus on student  
achievement.

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Community College Board Members



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# FOREWORD

Being a good school board member is a challenging—sometimes daunting—endeavor. *Boardsmanship* guides you safely around the pitfalls and helps you move forward with confidence, whether you are newly elected, a veteran board member, or considering running for your local board.

You will find a great deal of what you need to proceed in this booklet; beyond that, if you take advantage of our other publications, attend our workshops and browse through our comprehensive website, you will be an ever more effective leader.

And remember that OSBA's professional staff stands beside you, ready to help you through any board-related challenges in human resources, finance, school law, communications, policy and leadership development.

The Oregon School Boards Association exists to help you do what's best for Oregon's children as you work toward higher standards for students and increased accountability with the public.

Call us at 800-578-OSBA (6722) and visit [www.osba.org](http://www.osba.org).

We look forward to helping you through the complex maze of decisions you face as leaders in education policy, and we applaud your willingness to serve your community. Our goal is your goal: to help all students succeed.



**JIM GREEN, EXECUTIVE DIRECTOR**  
**Oregon School Boards Association**

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# Code of Conduct for school board members

## A SCHOOL BOARD MEMBER:

- Understands that the board sets the standards for the district through board policy. Board members do not manage the district on a day-to-day basis.
- Understands that the board makes decisions as a team. Individual board members may not commit the board to any action.
- Respects the right of other board members to have opinions and ideas that differ.
- Recognizes that decisions are made by a majority vote and should be supported by all board members.
- Makes decisions only after the facts are presented and discussed.
- Understands the chain of command and refers problems or complaints to the proper administrative office.
- Recognizes that the board must comply with the Public Meetings Law, and that the board has authority to make decisions only at official board meetings.
- Insists that all board and district business is ethical and honest.
- Is open, fair and honest — has no hidden agenda.
- Understands that he or she will receive confidential information that cannot be shared.
- Recognizes that the superintendent is the board's adviser and should be present at all meetings, except when the board is considering the superintendent's evaluation, contract or salary.
- Takes action only after hearing the superintendent's recommendations.
- Refuses to use board membership for personal or family gain or prestige. Announces conflicts of interest before board action is taken.
- Refuses to bring personal or family problems into board considerations.
- Gives the staff the respect and consideration due skilled professional employees.
- Presents personal criticism of district operations to the superintendent, not to district staff or to a board meeting.
- Respects the right of the public to attend and observe board meetings.
- Respects the right of the public to be informed about district decisions and school operations.

# CHAPTER 1

## Now that You're Elected

**Congratulations!** You have been entrusted with one of the most important responsibilities in your community.

As a school board member, you're part of a team that develops policies to help your school district focus on student achievement and comply with state and federal laws. The hours are long and the thanks are few, but the rewards are many. Board members take great pride and satisfaction in helping schools provide the best possible education for the children in their communities.

### YOUR BOARD'S AUTHORITY

Locally elected school boards are charged with making sure Oregon has a "uniform, and general system of common schools," according to Oregon's constitution. That means policies you develop must be in the best interest of all students, staff and community – not just those who voted for you or who share your views.

Education service districts (ESDs), according to ORS 334.005, exist to "assist school districts and the Department of Education in achieving Oregon's educational goals by providing equitable, high quality, cost-effective and locally responsive educational services at a regional level."

Under ORS 341.009, the community college "is an educational institution that is intended to fill the institutional gap in education by offering broad,

comprehensive programs in academic subjects and in career and technical education subjects. It is primarily designed to provide associate or certificate degree programs for some, serve a transitional purpose for others who will continue baccalaureate or other college work, provide the ability to enter the workforce immediately and serve to determine future educational needs for other students."

The boards of school districts, education service districts and community colleges share similar responsibilities, although there are some differences. Chapters 8 and 9 outline specific responsibilities of ESD and community college boards.

### K-12 school board responsibilities include:

- Enact rules governing school operations. ORS 332.107.
- Establish personnel policies. OAR 581-022-2405.
- Approve employee contracts. ORS 332.075.
- Provide transportation for students. ORS 332.405.
- Enact rules and regulations governing student behavior. ORS 339.240.
- Construct, equip and furnish buildings. ORS 332.155.
- Prescribe courses of study and provide instructional materials. ORS 332.075.
- Provide food services for students.
- Acquire real estate for school purposes. ORS 332.155.

## The key actions of school boards focus on student achievement.

- Levy bonds and local option taxes approved by the voters. ORS 328.205.
- Ensure district compliance with state and federal regulations.
- Do other things necessary to carry out the duties and responsibilities assigned to school boards by the state.

### WHAT SCHOOL BOARDS DO

OSBA adopted the National School Boards Association's Key Work of School Boards platform to define the role of school boards. The approach focuses all board efforts on student achievement, from setting a vision to continuous improvement efforts. It also engages the community in the process.

#### Following are "key actions" for school boards:

- Establish a clear vision of student achievement as the top priority of the board, staff and community.
- Set clear standards for student performance, basing those standards on external sources that have credibility in the community.
- Establish an assessment process that uses multiple measures to determine whether standards are being met. Fully explain this process to the community.
- Determine an appropriate means of measuring performance, tracking progress and reporting results to the community.
- Align resources in support of student achievement, facilitate parent involvement in the education process, and include the community in the review of the budgeting and management of resources.
- Foster a positive climate for learning in which the staff is empowered to address the needs

of all students. The board sets the tone by modeling respectful, professional behavior.

- Develop ongoing relationships with political, business and other leaders to build consensus on student achievement.
- Commit to ongoing education and training on achievement issues, relying on data when setting priorities and considering both empirical data and community input when adjusting the strategic plan.

#### OSBA helps local boards meet their challenges.

### AS EDUCATION LEADERS

Although the superintendent is each community's educational leader, the school board has an important leadership role. Together, the superintendent and board are responsible for engaging the public in establishing the district's educational vision and direction.

Good leadership demands that board members stay informed about their schools and about education issues at state and national levels. OSBA and the National School Boards Association offer workshops and publications to help board members stay abreast of school issues.

It's important to communicate with stakeholders early and often. Do not wait to inform them about decisions the board has made. OSBA can help you establish public-engagement strategies.

When your community is involved and informed from the beginning, you avoid conflicts, and citizens are more likely to support their schools and their school board. Make an effort to talk with citizens about your schools' successes and challenges – as well as solutions under consideration.

Be sensitive to community feelings and be certain you listen to your public's



opinions about district programs and plans. This may require conducting surveys and focus groups.

## AS A PUBLIC EMPLOYER

The school board establishes policies that govern recruiting, hiring, employment, supervision, training, evaluation and dismissal of employees. The board is directly responsible for hiring the superintendent. The superintendent, as the board's chief executive officer, is responsible for hiring and supervising district employees. The board does not directly supervise district employees and should be careful to act through the superintendent in personnel matters.

School boards are responsible for negotiating employment contracts with employee unions that include items such as salary, insurance and other working conditions.

## AS A POLICY MAKER

The school board establishes policies that govern the school district's daily operations. It's up to the superintendent and other district staff to implement the board's policy decisions. School boards with comprehensive, well-written policies are better prepared to handle complaints or crises.

## BECOMING AN EFFECTIVE BOARD MEMBER

School board members seldom take office as education experts. It takes training and experience to become an effective board member.

Some of the qualities good board members share are a conviction that public education is important, commitment to the success of all students, the ability to make decisions, belief in the democratic process, and

willingness to devote time and energy to the job.

It takes courage, too, as well as respect for district employees and the ability to communicate well.

### Effective board members:

- Suspend judgment until the facts are available.
- Develop alternative solutions to problems.
- Wait until all the evidence is in and the discussion is completed before making a decision.
- Identify the significant problem from the evidence presented.
- Differentiate between problems that require board action and those that require administrative action.
- Support the superintendent in authorized functions.
- Share responsibility for board decisions.
- Weather criticism calmly.
- Continuously learn more about the job of being a board member.
- Participate in Oregon and National School Boards Association-sponsored conferences, workshops and in-service programs.

**Good leadership demands that school board members stay informed.**

## CHAPTER 2

# How the School Board Operates

**The board's first order of business at its annual organizational meeting**, usually held in July, is to elect a chair and vice chair and set the time and place of its regular meetings.

The legislature set different limits for board chairs for K-12, ESD and community college boards. A board member of a K-12 district may serve as chair for four consecutive years. ORS 332.040. ESD board chairs may serve for no more than two years in succession. ORS 334.100. Community college board chairs are not limited in how many years they may serve as board chair. ORS 341.283.

### ELECTING A CHAIR, VICE CHAIR

At the organizational meeting, usually held in July, your board must elect a board chair and vice chair.

You'll need someone to serve as acting chair. It may be last year's chair, the superintendent, or anyone else the board members will allow to run the meeting until a chair is duly elected.

Voting cannot proceed until all nominations have been made. Each board member gets one vote. After nominations are made, the acting chair leads board members through the vote.

**Here is how election of a new board chair could work with a seven-person board consisting of Bev, Brian, Ryan, Joe, Ted, John and Arieta:**

- In this example, John, last year's chair, is acting chair at the organizational meeting. John says, "Nominations are now open."
- Joe responds, "I nominate Brian." Then Arieta nominates Ryan, and Brian nominates Bev. The acting chair and the board secretary record each nomination. John asks if there are further nominations. If he encounters silence, he says, "Seeing no further nominations, I declare nominations closed."
- He explains that each board member will cast one vote. He then works through the nominations in the order they were made: "All those in favor of Brian," (to which Ted and John vote yes); "All those in favor of Ryan,"(to which Arieta and Brian vote yes); and "All those in favor of Bev," (to which Bev, Ryan and Joe vote yes).
- In this example, John says, "No candidate received a majority of the board's votes. The action failed; we will begin again." Four votes, out of the seven, constitute a quorum for this seven-member board.
- John opens nominations again. Brian nominates Bev, and John nominates Ryan. John calls for further nominations, and, getting none, declares nominations closed.
- John explains again that each board member can vote for one person, When prompted "All those in favor of Bev," Ted, Joe, Ryan, Bev and Brian vote yes. The chair says, "All those in favor of Ryan." Arieta and John vote yes.
- Now a majority of votes has been cast for one member. John announces "Bev is elected chair by a vote of 5 to 2."

Notice that, when the election does not result in a quorum voting for any one nominee, the process starts again, beginning with the acting chair opening nominations. The same people may be re-nominated or a new slate may be created. Board members are free to use their one vote apiece as they wish, regardless of how they voted earlier.

Once a chair has been elected, the gavel is passed to the new chair, and he or she leads the board through the process as many times as necessary for a quorum of the board to elect a vice chair.

## BOARD MEETINGS

A quorum (e.g., three members of a five-member board and four members of a seven-member board) is required for all board decisions. With few exceptions, all board decisions and most deliberations must be conducted in public at regular, special or emergency meetings. Unless parents request open sessions, actions regarding student expulsions or a student's confidential medical records, including educational program, are conducted in executive sessions, closed to the public.

Special meetings may be convened at the request of the chair, three board members of a school district, or four members of a community college board. Special meetings require 24-hour public notice. Only emergency meetings may be called with less than 24-hour notice; however, the reason for not giving 24-hour notice must be in the minutes.

Individual board members cannot act on their own on board business. If a board member consents to an action when the board is not in session, it is not binding upon the district.

*Public Meetings Law, Board Meetings and Executive Sessions*, a handbook published by OSBA, outlines Oregon's Public Meetings Law in more detail and explains when executive sessions are appropriate.

Many eyes are on the board during school board meetings: those of the public, the news media and district employees. That's why it's important for board members to offer thoughtful comments rather than make off-the-cuff remarks without doing their homework.

Meetings follow an agenda prepared by the superintendent in consultation with the board chair. Board members should receive board packets well before a meeting so that they can review the agenda, ask questions and do necessary research. Agendas and other written materials should be available to everyone who attends. Reporters should receive complete agenda packets prior to the meeting, except for items to be discussed in executive session.

### Suggestions for productive meetings:

- Maintain control of the discussion. Although board meetings are held in public, they are not *meetings of the public*. The board may allow public questions and comments at specific and limited times during the meeting, but is not required to do so.
- Adopt a policy on parliamentary or other procedure to conduct board meetings.
- Limit subjects to those on the agenda.
- Don't spend time reading written materials aloud. Minutes, correspondence, reports and other written materials should be submitted to the board before the meeting. (Additional materials about an agenda topic may be provided during the meeting.)
- List action and information items separately. Deal with action items first.
- Ask the superintendent for written recommendations on action items in advance.

**Think about scheduling a public comment period later in the meeting.**

**A board cannot take final action in executive session on any matter except student expulsions and issues related to student medical records, including educational program.**

- Ask the superintendent to include policies relevant to action items in the board packet.
- Place groups and individuals who want to comment on action items early in the agenda.
- Consider scheduling a public-comment period later in the meeting for comments not related to action items.
- Ask your superintendent to briefly list alternatives to recommendations with pros and cons.
- Ask the superintendent to provide standard forms for recommending appointments, acting on bids, and admitting nonresident students.
- Combine routine items under a consent agenda, which allows approval of these matters in a single motion.

### **KEEPING MINUTES**

Oregon law requires the district to keep official minutes of board meetings and executive meetings. Minutes of regular meetings should consist of the following:

- When and where the meeting was held.
- Who was present, including members of the public who spoke or submitted written comments.
- What was considered.
- Action taken.
- Each board member's vote (by name) on each action.
- The substance of any discussion.

Minutes may be approved by the board, but such approval is not required unless the board has adopted Roberts Rules of Order or another procedure requiring approval.

The minutes are the district's legal, permanent public record of board action. Regular, special and emergency open

meeting minutes must be kept in a form that can be made available to the public.

The district is required to keep minutes of all meetings. Minutes of executive sessions must be kept in a manner similar to open meeting minutes.

Executive session minutes that contain confidential information are unavailable to individual board members or to the public except by a vote of the board or when subpoenaed or ordered released by the county district attorney or court.

### **EXECUTIVE SESSIONS**

Executive sessions are not open to the public. A board may call a special executive session or may go into executive session during a regular, special or emergency meeting to discuss subjects listed in ORS 192.660 or ORS 332.061. At least 24 hours' notice should be provided prior to any executive session.

Executive sessions are limited to topics listed in statute, which include dealing with employee discipline, dismissals and hiring; student records exempt from public inspection; negotiations; litigation; real estate; school safety matters; student expulsions; or student medical records, including educational program. Boards cannot call executive sessions for general personnel discussions.

A board cannot take final action in executive session on any matter except student expulsion and issues related to student medical records, including educational programs. Discussion regarding initial offers of employment or property purchase can take place in executive session, but the decision to hire or purchase must happen in an open meeting.

Before going into executive session, the chair must state the sub-paragraphs of the statute (ORS 192.660 or 332.061) that define the subject matter of the session, e.g., "This board will meet in executive session under ORS 192.660 Section 2(d) to discuss negotiations."

Reporters may attend (cannot be excluded from) executive sessions with four exceptions: 1) when labor negotiations are being discussed; 2) an expulsion hearing for a student; 3) when a student's medical records, including educational program, are being discussed; and 4) if the reporter or the reporter's media organization is involved in litigation against the district, which is the topic of the executive session.

Some board members encounter problems because they believe reporters are prohibited from reporting all conversation that takes place in executive session. That is not true. Reporters are allowed to report discussion of topics not exempted by executive session.

Board members must limit discussion in executive session to topics allowed by statute. Failure to do so may result in the media reporting on the unauthorized discussions, and a fine from the Oregon Government Ethics Commission.

Any hiring, including that of a superintendent, must take place in open session. The board can, however, interview and consider candidates in executive session provided 1) the vacancy has been posted; 2) the public has had an opportunity to provide input; and 3) the board has adopted regular hiring procedures, standards, criteria and policy directives in an open meeting.

Boards can conduct a superintendent's evaluation in executive session; however, discussion must not wander to an evaluation of broader district goals.

Complaints against employees and the dismissal or discipline of employees can be considered in executive session, but at least 24 hours' or one business day's notice must be provided to the employee, and the employee may request an open session.

Collective bargaining sessions with union representatives are conducted in

open session unless both parties agree to executive sessions.

Even though the law allows the board to discuss certain issues in executive session, it's good for the board to deliberate most issues in public. An open discussion allows the public and news media to better understand why decisions are made. Otherwise, it may appear that the board merely rubber-stamped an action rather than gave it thoughtful consideration.

## **WORKING WITH YOUR PEERS**

School board members don't always agree on issues, and they have a right to voice their opinions. It's important, however, not to let differences of opinion create animosity. Board members should treat others' opinions with respect and courtesy, no matter how much they disagree with them.

The board must work as a team and take credit or blame as a team. Board members should avoid factions forming within the group. Once a decision is made, all board members should support it. Nothing is more damaging to a board than for a member to publicly dispute a board decision; it casts doubt on all the board's efforts.

If you are a board member nominated by zone, remember that you represent the entire district. The welfare of the district as a whole should not be sacrificed for one segment of the district. Listen to voters in your zone and acknowledge their concerns, but make your decisions based on the best interests of all students in your district.

## **MAJORITY VS. MINORITY**

Many board decisions will be unanimous if a school board is working effectively as a team. Resolve differences of opinion through discussion or through compromise.

**Once a decision is made, all board members should support it.**

## Self-evaluation is the board's process for identifying goals, assessing progress and demonstrating accountability.

On rare occasions, a minority of the board may feel it can't in good conscience support a position taken by the majority. In such cases, it's prudent for the minority members to consult an outside agency for advice before proceeding on a collision course with the majority of the board. Many resources are available: OSBA, the National School Boards Association, the Oregon Department of Education and experienced board members in other districts.

### BOARD SELF-EVALUATION

Boards expect accountability from the superintendent and staff and develop evaluation procedures to ensure this. Boards themselves may not experience formal evaluation, usually because they don't adopt and carry out an evaluation process.

An annual self-evaluation can be valuable; it shows the board and the public how well the board is performing. Evaluation encourages boards to identify goals and assess their progress. It allows boards to identify strengths and weaknesses and encourages them to develop short- and long-range plans.

Recognizing the need for self-evaluation and deciding on the process are major steps for the board.

### Board members should also do the following:

- Select or develop an evaluation instrument.
- Complete the evaluation. (If desired, the superintendent can rate the board.)
- Identify strengths and weaknesses.
- Set yearly goals.
- Meet periodically to evaluate how the board is doing at meeting its goals.
- Use the information provided by the evaluation to direct further review.

The board will be stronger each time this cycle is completed.

In addition to providing evaluation tools, OSBA can assist boards with completing a self-evaluation process and using the results to improve boardsmanship.

## CHAPTER 3

# The Role of the Board Chair

**The effective board chair provides leadership to guide the board through planning and decision making.** Qualities inherent in both a servant and leader are necessary to fulfill the role of board chair. The primary role of the chair, besides running meetings, is to be the voice of the board even when the chair does not agree with the majority position of the board. Just as individual board members do not have any authority outside the board room, the board chair only has the authority the board delegates to them. Board policy designates most duties and obligations of the chair, so it is important for any new board chair to review policies for clarification.

School boards conduct a large amount of business on a wide variety of subjects over the course of a school year; therefore, knowing Oregon's Public Meetings Law and parliamentary procedure is a necessary skill for leaders who want to be successful in the board chair role. Those aspiring to the position of chair will do well to acquire the knowledge necessary to lead meetings through OSBA's online workshops or in-person training. OSBA's board development staff specializes in providing such training. The effective board chair will guide communications within the body of the board and in the greater community, including serving as a contact with the media, and the superintendent. The chair should have the ability to clarify generalizations, explain issues and articulate the board's goals and positions.

### THE CHAIR IS RESPONSIBLE FOR PLANNING THE MEETING

Under Oregon law, the board must conduct business at properly posted public meetings within district boundaries, in locations accessible to the public. Minutes must be kept of board meetings and made available to the public within a reasonable period of time, with the exception of executive session minutes, which must be kept and archived, but are generally not made available to the public for review.

#### To effectively plan meetings, the chair should:

- Know the process board members use to request agenda items.
- Know the reason each item is on the agenda.
- Predict problems that might arise from an agenda item.
- Estimate how much time each agenda item will take.
- Know what board action is required for each item.
- Know what reports the superintendent and staff members will present.
- Request recommendations from the superintendent.
- Plan for appropriate public participation in the meeting.

The chair introduces each agenda item, facilitates board discussion and leads the board to a decision on action items. The chair should restate each motion after it is made and assure that the board

## Understanding Oregon's Public Meetings Law and parliamentary procedure is essential for success as the board chair.

secretary has the necessary information for the minutes. The superintendent prepares the chair before the meeting by providing background information and participates in the discussion when requested by the chair.

### The chair is delegated the authority and the responsibility to:

- Start and end meetings on time.
- Set a positive tone for the meeting.
- Preserve order.
- Move meetings along by adhering to the agenda.
- Keep discussion centered on the issue.
- Allow all sides of an issue the opportunity to be heard.
- Treat all board members fairly and equally.
- Understand basic parliamentary procedures.
- Bring issues to a conclusion.
- Ensure that the will of the majority of the board is reflected in the action of the board.

### The board chair uses interpersonal skills to execute his or her role to:

- **Encourage.** Is friendly and responsive to others; accepts others' contributions.
- **Mediate.** Identifies areas of compromise, recognizes differences of opinion and ideas, and conciliates.
- **Monitor.** Makes sure all board members participate. Limits discussion by those who dominate. Keeps the discussion on the issue.
- **Set standards.** Promotes professionalism, establishes rules of conduct, models ethical behavior.

■ **Initiate.** Suggests new ideas, proposes new activities, encourages creative thinking.

■ **Seek information.** Asks for relevant facts and data.

■ **Clarify.** Probes, restates, defines discussions, identifies points of agreement. Ensures that the board is ready to take action.

■ **Relieve tension.** Knows how and when to defuse conflict and repair wounded feelings.

■ **Summarize.** Reviews the discussion, defining its content. Brings out important points. Identifies needed actions.

## BOARD CHAIRS ARE STILL BOARD MEMBERS

The board chair, as an elected official, is expected to participate in board actions.

The chair may make motions and participate in discussions after encouraging other board members to do so.

The chair is expected to vote on motions, provided there is no conflict of interest. Oregon's Public Meetings Law requires that the vote of each board member be recorded by name in the minutes.

The role of the chair may require significantly more time and effort than that of the board member alone. It can also be very satisfying and a learning experience. Remember that the role of the chair is that of service to the rest of the board, as well as one of leadership.



## **LEADERSHIP ROLE OF BOARD CHAIRS**

The school board chair is the elected leader of the board and may act as the board's spokesperson.

The chair should not speak for the board unless the board has arrived at a decision. The public and staff expect the chair's statements and actions to reflect the position of the entire board.

For example, a board chair shouldn't write a letter to the editor about a district issue and sign it as board chair unless his or her board has authorized it.

The chair should do everything possible to help the board get its work done. This includes working with the superintendent to prepare the board agenda and making sure the agenda is followed at meetings. The chair should keep the board focused on the agenda. Meetings that wander into side discussions become unnecessarily long and may result in unfinished business.

The chair shouldn't dominate board discussions and should withhold personal views until other board members have an opportunity to speak. Respect and consideration of all board members' opinions are essential. This extends to respect and courtesy toward the superintendent's recommendation, even if the parties don't agree.

The chair must have thorough knowledge of board policy and parliamentary procedure.

Above all, the chair should recognize the need for diplomacy. When controversy arises, calm and objective leadership will influence the behavior of the rest of the board and others involved. A friendly tone of voice, firm control over meeting procedures, a sense of humor, and a willingness to give all sides an equal voice can prevent a crisis.

**The board chair should have the ability to clarify generalizations, explain issues and articulate the board's position and goals.**

## CHAPTER 4

# The Board and the Superintendent

**The superintendent is the school board's chief executive officer and main adviser** on all matters regarding the district and education issues.

The actions of the board and superintendent should reflect an attitude of mutual trust and respect; because of that, the board and superintendent should periodically review their relationship and joint performance to see how it can be improved. (OSBA's board self-evaluation program helps you define that relationship and its dynamics.)

The superintendent is responsible for briefing the board on current district operations (perhaps through monthly departmental reports) and for planning future operational changes with the board. The superintendent may invite principals or other staff members to attend board meetings to discuss certain business and education items.

The superintendent should inform the board of problems in the district, especially those that could lead to serious problems or crises. School boards can act much more intelligently and calmly if they are prepared for a crisis. The superintendent should provide accurate and complete information and options for dealing with concerns.

The board should always ask for the superintendent's recommendation and consider it seriously; however, the board is obliged to explore issues thoroughly, to become knowledgeable about the general operations of the district. Ideally, decisions and plans of action are drawn

from the knowledge and ideas of the board and the administrative staff.

Occasionally the board disagrees with the superintendent's recommendation and acts contrary to it. If this occurs more than occasionally, it may indicate a lack of understanding between the board and the superintendent.

In all of the board's deliberations, it's important to look at the district objectively. No organization is perfect. Employees are human and will make mistakes. The ability to make impartial judgments is one of the greatest assets a school board can have.

### SELECTING A SUPERINTENDENT

Selecting a superintendent may be the school board's most important decision. Therefore, the board should develop a search process that ensures selection of the best candidate.

First, the board must decide whether to do the search itself or hire a consultant. OSBA is available to help in this process. If a board elects to conduct its own search and selection, an OSBA staff member, as a member service, can meet with the board to discuss the selection process.

**No matter how your board conducts the search, here are some steps to follow:**

- Review and revise the current superintendent's job description, salary and benefits.
- Discuss the district's goals, mission and improvement plan.
- Meet with the administrative, teaching and support staffs to hear their views of the district's needs and the kind of superintendent they want the board to hire.
- Meet with members of the community to get their input on selection criteria, hiring procedures and superintendent selection. These are invaluable public relations tools, and they help put you in compliance with ORS 192.660(7)(d).
- Decide on the final selection criteria, the salary range and the information you'll require candidates to submit.
- Develop a brochure that describes the position and promotes your district and community.
- Send notices of vacancy to placement agencies and the education community. Include a letter urging qualified applicants to apply.
- Send applications to applicants.
- Maintain the confidentiality of applicants.
- Decide on a process to screen applicants for board interviews.
- Decide on candidates for interviews after reviewing recommendations from a screening committee.
- Develop a process for interviews and reference checking that ensures only appropriate candidates are selected.

- If possible, visit the communities where the final candidates live and work.
- Plan a joint announcement by the board and the candidate to the staff and to the community.
- Take time when your superintendent arrives to set goals and develop an evaluation process.

**Find helpful tips at [www.osba.org](http://www.osba.org).**

**org** Click Topics > Board operations  
> Superintendent evaluation  
>Superintendent evaluation workbook

Although the search and selection process is time-consuming, it helps boards find the best candidate available. The cost of making the wrong selection is high. Poor matches hurt entire communities.

## **SUPERINTENDENT AS CEO**

The superintendent is the school district's executive officer. The superintendent's job is to supervise staff, monitor district operations, work with the board in developing policy and procedure, communicate with the community, and plan for the district's future. The superintendent should present progress reports on how board policies are affecting the district's operations and whether district goals are being met.

Board members should take questions or concerns about the district to the superintendent. The superintendent prepares information about the issues for discussion at a board meeting.

**Board members should take questions and concerns to the superintendent.**

## **An ongoing evaluation is key to an effective relationship with the superintendent.**

### **SUPERINTENDENT AS EDUCATIONAL LEADER**

Superintendents serve as district and community educational leaders. Each superintendent should cultivate relationships with professional education organizations and agencies such as the education service district, the Oregon Department of Education and state legislators.

As the community's educational leader, the superintendent must communicate with the public one on one, at public gatherings, in the news media, and in other forums.

The superintendent's role includes advising the board of education trends and their implications for the district. The superintendent also should keep the board informed of how the district compares with similar districts and of any deficiencies in the district.

The superintendent must exhibit leadership by continuously communicating district accomplishments and concerns. It is up to the superintendent to lead the way in establishing positive relations with the community and advising staff members of their roles in school/community relations.

### **EVALUATING THE SUPERINTENDENT**

The board's responsibility is just beginning when it hires a new superintendent or renews the contract of an experienced one.

A school board may offer a contract of up to three years to a newly hired superintendent. The board may issue a subsequent contract at any time. Superintendents must be given notice of contract nonrenewal by March 15 of the final year of the contract, unless otherwise specified by the contract.

Districts should work closely with legal counsel to draft contracts that comply with these requirements.

An ongoing evaluation of the superintendent is key to establishing an effective working relationship. Evaluation can make the difference between a good relationship and a poor one for the board and superintendent. Establishing a formal, structured evaluation process should be a high priority.

First, list the superintendent's responsibilities. If the board hires a new superintendent, use the job description to list responsibilities. If the superintendent has been on the job awhile, this is a good time to update the job description with new goals. Be sure that overall evaluation is not excessively influenced by one area of the superintendent's responsibilities.

After the job description and responsibility criteria are established, the board and superintendent should identify areas needing improvement. Ask the superintendent to establish goals and objectives for the next year and lay out plans to make them happen. The board should approve the goals and add new ones when necessary.

Schedule time for follow-up meetings. A meeting every three months is not too often. Review the goals and revise them if necessary, but most of all talk about the process and how it is working. Even if the superintendent has been in the district a while, it still is a valuable experience for the board and superintendent to review goals at least twice a year.

When evaluation time rolls around, the board can identify the areas of improvement, readily assess areas of weakness, and be comfortable in its decision to rehire, re-inspire, or retire the superintendent.

## **WHEN THE BOARD AND SUPERINTENDENT DISAGREE**

If the board and superintendent reach an impasse over an issue, consider calling on knowledgeable, objective outsiders for help.

Both the board and superintendent may need to discuss the problem with one or more consultants and ask for recommendations for resolving the impasse. Give the recommendations serious and thoughtful consideration.

In extreme circumstances, when resolution is impossible, and the district's effectiveness is impeded, there are three options: nonrenewal of the contract, dismissal, or the superintendent's resignation. Don't make this decision without consulting your attorney or consultant.

The superintendent has a right to hear and answer the board's charges before the board takes action.

**OSBA offers a  
superintendent  
evaluation  
workbook  
online at  
[www.osba.org](http://www.osba.org).**

## CHAPTER 5

# Policy, Budget and Collective Bargaining

Policy making is the board's primary legal responsibility. A comprehensive written policy manual that goes beyond what is minimally required by law is essential; it helps boards be consistent throughout a wide range of issues.

Board policies chart a course of action. They should be broad enough to allow administrative discretion but specific enough to give clear guidance.

Administrative regulations provide specific day-to-day procedures for administration and staff to meet policy objectives set by the board.

In creating policies, the board consults with administrative staff. Policy should be consistent with federal and state laws, administrative rules and court decisions. Make sure policies are a natural outgrowth of the board's goals. Policies then become a tool for effective school management and improvement.

Policy is not created in a vacuum. Past practice, recommendations from staff, the experience of the district, legal requirements and advice from sources such as OSBA should be used in developing policy.

OSBA policy specialists are available to answer policy questions.

### WHO INITIATES POLICY?

School boards are responsible for adopting policy, but superintendents generally participate in the process of development by providing information and background materials.

The superintendent may present a policy statement and evidence to support that statement. The board considers the statement and the evidence and accepts, rejects or revises the statement. Once a policy is adopted, the superintendent administers it, but the board is responsible for monitoring how the policy is working. This means the board should request progress reports and evaluate the results of its policy.

### POLICY PROTECTS THE SCHOOLS

Boards should anticipate problems involving policy. Policy written in advance of a problem usually is more objective and thoughtful than policy devised in the midst of or following a crisis. Well-written and thought-out policy often prevents a crisis from occurring. If a crisis occurs, policy can give the board and administration a solid position from which to solve problems.

For example, if a community member objects to certain teaching materials, the district can show that it has a careful, deliberate process for selecting materials and a procedure for reviewing complaints.

### REVIEWING BOARD POLICY

Board policies should be reviewed annually or when events suggest change. Policy changes may be needed as programs are added or deleted. New state or federal legislation, revised administrative rules or court decisions may require policy revisions, repeals or additions.

Policy is there to use. It is the board's rule book and the administration's guide for day-to-day school operations. Keeping policy current is imperative.

## DEVIATIONS FROM POLICY

Your board should not deviate from policy unless your policy allows deviations for emergencies or special circumstances. In these cases, policies may be "temporarily suspended" by a quorum of the board at any regular, special or emergency meeting. Suspending a policy may not absolve a district from legal or contractual obligations. Policies promote the equitable treatment of students, employees and members of the public. The district staff should never deviate from established board policy without board approval.

Understand though, that deviations may lead to rewriting your policy, because once you allow an exception, it's difficult to defend the policy when other exceptions are requested. But this situation is normal in the life of a policy, which *should* be rewritten or repealed if it doesn't work or is outdated.

## SETTING THE SCHOOL BUDGET

One of the board's primary responsibilities is the district budget. Board members serve on the budget committee and work with others to determine the district's budget. The board must approve the budget and authorize the expenditure of funds. OSBA's *Budget Committee Handbook* details the budget adoption process.

State law requires an annual independent audit of all financial records. The accountant or firm the board hires must be certified to conduct municipal audits by the Oregon State Board of Accountancy. Board members should pay close attention to these reports.

## THE BUDGET COMMITTEE

The board appoints budget committee members to three-year terms. Budget committee members must be registered voters and residents of the district. Education service district budget committee members must be members of school boards in the ESD's jurisdiction or shall be designees of a school district board. ORS 334.240(1).

Boards should include budget committee members in all phases of the budget preparation process. Make time to ensure citizen budget committee members understand their role, the budget process and the budget document.

The only districts not required to have citizen members as well as board members on their budget committees are those that have populations of at least 200,000 in their districts and are in counties with populations exceeding 500,000. In Oregon, the Tax Supervising and Conservation Commission has the authority to review the budgets of Portland Public Schools, Multnomah ESD, and Portland and Mt. Hood community colleges. ORS 294.423.

## ADVISORY COMMITTEES

Involving the public on District Site Councils and other advisory committees or special task forces is an effective way to gain communitywide understanding and support.

An advisory committee can act as a sounding board for community opinion. This is especially true when boards take the initiative to form committees. To avoid misunderstandings, spell out the advisory committee's responsibilities when the committee is formed. These include how long the committee will work and specific tasks the board wants it to accomplish. Committee members need to understand that their role is advisory only.

**OSBA's**  
*Budget*  
*Committee*  
*Handbook*  
**guides you**  
**through**  
**the budget**  
**process.**

**Employee contracts, on average, consume over 80 percent of districts' budgets.**

Citizen input is valuable on a variety of matters, including establishing or revising the district vision and mission, budget, long-range construction plans, building site selection, community relations, curriculum issues, program evaluation, changing grading structure, transportation and use of school facilities, including school closures. Make good use of this invaluable community resource.

### **THE DISTRICT'S LEGAL COUNSEL**

Laws governing school districts are complex. It's impossible for any board member to know and understand all the laws governing public education.

Every school district, large or small, should retain an attorney to advise the district on legal matters. Many boards have an attorney among their members and are tempted to ask that board member for legal advice. This is not fair to the board member (in most districts, that person cannot be paid for professional advice as a member of the board), nor does it provide the district with sufficient legal service. The board needs to retain an attorney to keep the district and the board informed of legal rights and responsibilities, to advise the board when legal questions arise, and to represent the district in legal disputes.

A knowledgeable school attorney can prevent crises and protect you from unnecessary litigation or liability.

The Oregon Council of School Attorneys can help school attorneys in their day-to-day practices in dealing with education law. The council, an affiliate of OSBA, increases the effectiveness and proficiency of school attorneys by providing a network to other attorneys and an annual fall workshop devoted to current legal issues. OSBA's monthly *School Law Reporter* also keeps you informed of case law and emerging legal issues.

### **COLLECTIVE BARGAINING**

Negotiating employee contracts is a critical function of the board because such contracts consume an average 85 percent of Oregon school district budgets. The ability of public employees to bargain salaries and benefits means that school boards must consider the spending priorities and resource allocations of the district. Also, because the language in an employee contract cannot be unilaterally changed, the agreement effectively determines board policy.

Salary levels, agreed upon by boards, determine how many employees a district can hire. Employee contracts state the number of days worked per year, hours worked per day, preparation-time allowances and required training. These factors directly affect the district's ability to improve student achievement.

All school district employees except superintendents, principals, other supervisors and confidential employees can bargain collectively with the school board.

Typically, school districts have two bargaining units, one representing licensed staff (teachers) and the other representing classified staff (cooks, custodians, bus drivers, clerical employees, educational assistants, etc.).

In Oregon, most teachers are represented at the bargaining table by the Oregon Education Association, local education associations or regional bargaining councils. Most classified or support staff are represented by either the Oregon School Employees Association or the Oregon Association of Education Service Professionals (an affiliate of the Oregon Education Association).

District office and building administrators are not represented by a union. They do not have collective bargaining rights, but often appoint representatives to talk informally with



the board and superintendent about wages and working conditions.

School district employee contracts generally run for two to three years, starting July 1 and ending June 30. A typical bargaining team representing the school board might include one or two school board members, the administrator in charge of personnel and a principal. A school board member or district administrator could serve as chief spokesperson, but often the board hires a professional negotiator.

School boards have the legal right to communicate with employees on collective bargaining issues throughout the negotiations process.

School boards have the legal right to advise their employees and public of collective bargaining issues being discussed, the board's positions and the progress being made at the table. This information can be relayed at board meetings, in press releases and newsletters, on district websites, or during other contacts with the public and school employees.

Collective bargaining sessions between the school board and an employee union must be conducted in open sessions unless both parties agree to closed sessions.

Oregon's Public Employee Collective Bargaining law outlines four steps in bargaining: negotiations, mediation, cooling-off period, and either a strike by the union or implementation of the board's final offer.

Bargaining begins when the parties meet for the first session and exchange initial proposals. If an agreement is not reached after 150 calendar days, either or both parties can request the state Employment Relations Board (ERB) to assign a mediator.

Mediation uses an impartial third party to resolve contract differences. The mediator may suggest areas of

compromise and propose settlement terms. There is a tiered rate system based on the number of meetings with the mediator between the parties; the district and the union each pay half the cost.

Any time after 15 days of mediation, either party or the mediator may declare impasse. Within seven days of declaring impasse, each party is required to submit its final offer in writing, including a cost summary. The mediator publishes the offers (makes them available to the public) as soon as both are received. The parties then have 30 days to reach an agreement or may mutually agree to use fact-finding to reach a contract settlement. (Following 1995 legislative changes in Oregon's collective bargaining law, fact-finding is rarely used as a method to reach settlement.)

In fact-finding, the major issues are identified by a neutral party who reviews both parties' positions, resolves factual differences, and makes recommendations for settlement. The fact finder is chosen by the two sides or, if they can't agree, from a list of names provided by the Employment Relations Board (ERB). The school district and the union share the cost of hiring a fact finder.

The fact finder has 30 days following the hearing to prepare a written report with recommendations for settling each disputed issue. The school board and the union have five working days from the time the report is mailed to notify ERB whether they accept or reject the recommendations. The fact finder cannot compel either side to accept the recommendations. If the fact finder's recommendations are rejected, a 30-day cooling off period starts as soon as ERB publishes the fact-finding report.

If no agreement has been reached by the end of the cooling-off period, employees have the right to strike, and the school district may implement all or part of its final offer. The union must

**School boards have the legal right to communicate with employees during collective bargaining.**

**In today's litigious climate, the board needs adequate insurance.**

give the school board 10 days' written notice of its intent to strike.

The district must give the union at least five days' notice of implementation. A final offer cannot introduce new topics or topics that were not subject to the previous steps of the negotiations process. Once implemented, the final offer becomes the contract.

### **INTERIM BARGAINING**

Bargaining may also occur during the term of a contract to help parties more quickly respond to changing conditions.

#### **Under this schedule:**

- The employer must notify the union in writing of any anticipated changes that "impose a duty to bargain."
- The union has 14 calendar days after the employer's notification to file a demand to bargain. If the union does not file its demand to bargain within that time, the union waives its right to bargain over the change or the impact of the changes identified in the notice.

This process ends 90 calendar days after the employer gives written notice. At this point, the employer may implement the proposed change without any further obligations to bargain.

### **INSURANCE**

Insurance is another important concern for the board.

In today's litigious climate, the board must have adequate insurance in case of a lawsuit. Cases generally are brought against the entire board. Although individual board members sometimes are named in suits, those actions are rarely successful. The amount of coverage needed depends on the size of the district.

Check with your agent of record for your board's needs. (An agent of record is an insurance agent appointed by the board to counsel the district on insurance matters and to get the district the best coverage for the best price.)

The same advice holds true for district insurance coverage: Appoint an agent of record and develop a clear, detailed policy outlining insurance needs.

The board must assess its needs and then obtain the coverage that best meets those needs.

General liability insurance should cover board members and district employees only while acting in official capacity. The board should know the provisions of its personal injury liability insurance.

Other coverages to consider are errors and omissions, tort liability, nurses' professional liability, fire, theft, damage, farm machinery and livestock supplemental coverage, boiler and machinery, liability coverage for district-owned or -leased vehicles, and student accident insurance (usually made available for student purchase).

## CHAPTER 6

# The Board and Public Engagement

**As advocates for public education, board members should involve the public in setting district goals and priorities.** Staff, parents, students, community leaders and the public need to be involved early in the process.

### THE BOARD/STAFF RELATIONSHIP

When it comes to spreading the word about what's happening in the district, your teachers and support staff are extremely important. They're the district's front line in the community. They deal directly with parents, students and other members of the public. It's important to enlist their enthusiasm and support.

The staff must understand the value of public education, the programs the district offers and the problems it faces. Staff members should participate in solving district challenges. In doing so, they become more committed and enthusiastic about working in public education.

Earning employees' support for the district doesn't happen by accident. The school district that fails to keep its staff involved and informed cannot expect to inspire dedication or loyalty.

The extent of information sharing – whether through staff meetings, email, websites, newsletters or workshops – depends on the district's size and resources. Provide a brief summary to the staff after each board meeting. If the summary is lively, candid and impartial, staff members will read it and help explain the district's progress and problems.

Before a bond or local option levy election, meet with employees to discuss the upcoming measure. Involve them in any facilities review or advisory committee process to determine district needs.

Board members should attend school activities and may visit classrooms where appropriate. Many districts have policies in place regarding board member visits to the schools outside of school events that are open to the public. Board members should arrange classroom visitations ahead of time with the principal and teacher to ensure minimal disruption, and should always be respectful of district staff. Board member visits should not be used to evaluate staff. Individual board members should remember they have no authority unless authorized by the board.

### THE BOARD AND THE NEWS MEDIA

Almost all Oregon school districts have a local newspaper or radio station that covers their activities. In times of crisis, television reporters appear. Use these occasions as opportunities to get the word out, not as confrontations.

But first, make sure your district has a media relations policy that defines how and when you and staff will respond to the media. This is especially important during crises. The time to prepare is now – not during a traumatic event.

OSBA provides model policies on media relations to help you determine how

**Two-way  
public  
engagement  
gives you  
a true  
partnership  
with your  
community.**

best to work with reporters, including how to control campus media access to students and staff.

It's essential to develop and maintain good working relationships with newspaper editors and reporters, radio news directors and television assignment editors. The superintendent has primary responsibility for news media relations, but board members should become familiar with the local media, too.

Keep a current list of reporters who cover schools. Send them announcements of public meetings, complete board agenda packets, minutes or summaries of board meetings, and school newsletters that you distribute to students, parents or the community.

Establish healthy media relationships by arranging for the superintendent and board chair to visit with editors or reporters before the start of the school year to discuss the board's goals for the year and any major issues the district faces. Maintain these contacts throughout the year by calling editors and reporters or sending them background information about issues such as negotiations, the budget, results of community surveys, and new programs.

Accept that the community has a right to know all facts you can (legally and ethically) supply. Don't wait for the media to come calling while you perfect your message or wait for things to clear up when something happens.

Decide on your primary message, decide who will contact the media, and make certain that person has the facts he or she needs to speak authoritatively. Let members of the media know when you'll provide further information. Keep your word. It's all part of developing good community relations and mutual respect.

Speaking first puts you in the driver's seat; waiting for the media to hear rumors and react to them makes you passengers in a runaway vehicle.

You should consider media representatives your professional communications partners; you need them, and they need you. Nevertheless, when responding to their questions, be cautious. Don't speculate. Don't express personal opinion. Discussion of issues should take place at board meetings, which are open to the media.

Be polite, and refer reporters to the board chair or superintendent, if that is appropriate. Remember that individual board members do not speak for the entire board. You may want to designate board members as media contacts for specific issues.

Remember that reporters and citizens are free to direct their calls to whomever they wish. Generally, though, the fewer spokespeople, the better; it prevents confusion.

And whenever you take a call from a reporter, tell your superintendent and board chair who called and what you discussed.

## **ENGAGING THE PUBLIC: THE BOARD'S ROLE**

The way to build a good relationship with members of the public is to involve them early in the process of creating your district's vision, mission and educational goals. Because today's public demands more of its schools, many districts use a public-engagement model of public relations rather than a one-way model in which districts simply deliver information about the decisions that were made.

A two-way public-engagement model puts you in partnership with your community. This authentic involvement allows your community to help establish the educational goals that directly influence student learning. Chances are, you'll have stronger support when you need to establish budget priorities or ask voters to consider bond or local option proposals.

The board is responsible for developing the district's public-engagement plan and for evaluating how it's working. The superintendent is responsible for developing a consistent year-round program for everything from working with advisory committees to dealing with the news media and publishing district newsletters.

Setting up a "key communicator" program is also part of public engagement. People talk to people; that's how news gets around. Get the accurate and timely news out by maintaining contact with community leaders. Ask OSBA's Communication Services staff to help you start a key communicator program.

### **Find helpful tips at [www.osba.org](http://www.osba.org)**

Click Topics > Community engagement > Communicating with the public > Key communicator network

The superintendent is often called upon to be the district spokesperson, talking with representatives of the news media, at parent meetings and with the business community. Board members may be asked to make public appearances by themselves or with the superintendent or another board member. Board members should stay well informed about their district so they can discuss school issues.

Board members should sharpen their public speaking skills to take full advantage of such opportunities.

In larger districts, public engagement may be delegated to an employee or groups of employees; however, everyone shares the responsibility for effective communications and public engagement. The public has a right to know about all the issues, not just those that reflect favorably on the school.

Give serious thought to the way issues are presented to your community. For example, if a new school is needed or if an important change in curriculum is being considered, start working with your community early. Give citizens a voice in the process – and they will be there to ensure your success.

**Speaking first puts you in control of the message. Don't wait for the media to hear rumors and ask questions.**

## CHAPTER 7

# Board Members as Individuals

**Individual board members shouldn't speak for the rest of the board, unless authorized to do so.** Sometimes, a board asks the chair to make a statement about a position the board has taken.

Be careful not to make promises to individuals or groups prior to board action. People often approach a board member about a problem scheduled for consideration at a board meeting. Board members have a responsibility to listen to complaints, comments and questions from citizens. Express your appreciation for their comments, but don't pledge to take a specific action, individually or as a board.

Similarly, a board member needs to exercise care when writing letters to the editors of newspapers or making statements to reporters. Such statements should not speculate about board actions.

If a board member writes a letter to an editor that has little or nothing to do with education, he or she shouldn't sign it "member of the school board." Board members who write or speak about matters related to education on their own should state that the opinions expressed are not the board's.

### WHEN CITIZENS COMPLAIN

Parents often come to a board member when a problem arises with their child, especially if the parents happen to be the board member's friend. In these cases, make sure you understand board policies and procedures. The district

should establish a policy that spells out how complaints are processed; always rely on that policy when determining the proper response to a complaint.

Usually, you should suggest the parent take the matter to the school principal and then to the superintendent, if the principal's response is unsatisfactory.

Be courteous but noncommittal when hearing citizen complaints. Board members do not investigate complaints or allegations. Board members need to remain objective. You neither want to overreact nor dismiss legitimate complaints as coming from troublemakers.

### WHEN CITIZENS ASK FAVORS

Board members may be approached by citizens requesting personal favors. Someone may want to sell something to the district or seek some special privilege for a student. If it's a close friend or a school supporter, it can be hard to say no.

Keep in mind that board members represent all district citizens, and all citizens are entitled to equal treatment. It damages the board's reputation if community members feel the board gives preferential treatment to certain people. Those who get special favors usually tell someone, and such news travels fast.

The board member who seeks privileges for friends is meddling in district administration in a dangerous way.

The person responsible for district purchasing, for example, makes decisions based on policy or state law. If the district is not purchasing a particular item or is not a customer of a particular business in the community, there is likely to be a valid reason such as price or quality.

A school principal has equally valid reasons for the rules that govern students. Making any exception to these rules because someone is a friend or an influential community member will certainly come back to haunt the board.

As a board member, inquire about the district's purchasing policies or school rules, but don't ask for a change unless such a change is in the best interest of the district.

Well-written board policies and administrative procedures provide the board with the guidelines to handle most situations.

## **WHEN EMPLOYEES ASK FAVORS**

As board members get to know school employees, they're likely to hear complaints, criticisms and comments about how the district operates.

It's natural for teachers or administrators to think that their specialties are the most important. However, board members and superintendents must take a broader view and strive for balance. Sometimes such balance is a matter of money. It's up to the board and superintendent to provide the most comprehensive and best-balanced program possible within the limits of the budget.

Employees who ask for personal favors put board members in a position similar to when a private citizen asks for special treatment. Remember: It is not the

board's business to manage the day-to-day operations of the district. Nor is it a board member's business to substitute his or her judgment for that of the superintendent.

The viewpoint of one person is seldom sufficient grounds for action. If the board or board members hear comments or complaints from other sources, refer the complainant to the district's complaint process.

## **THE BOARD MEMBER'S FAMILY**

Board members' children and other relatives involved with the district should be treated the same as other students and district employees.

State law allows districts to hire employees who are related to school board members. To exclude such hiring is considered discriminatory. However, boards should use caution in hiring relatives of board members or top administrators. The public tends to view such hiring suspiciously. They may think board members or administrators are exploiting the schools for personal benefit.

A board member should be careful not to discuss or vote on the employment of a relative for a district position. Voting on any matter that results in a financial gain to the board member or a board member's relative may be a violation of the state's government ethics laws.

**Well-written policies provide the board with guidelines to handle most situations.**

## CHAPTER 8

# The Education Service District Board Member

**Education service district (ESD) boards represent a diverse group, from small rural to large urban districts.** Some ESDs encompass districts in several counties. It's challenging to be familiar with the needs of the various districts and tailor programs to meet those needs.

The legislature established ESDs to provide districts with services that they couldn't otherwise afford by taking advantage of economy of scale, using a centralized approach. ESDs may provide central purchasing, library, curriculum, special teachers and special education services.

Oregon's 36 counties are served by 19 ESDs. ESD boards may have seven, nine or 11 members, each of whom serve four-year terms. Board members are elected by zone, except for any at-large positions.

In 2005, the Oregon Legislature designated three pilot ESDs: Willamette ESD, High Desert ESD and Northwest Regional ESD. In these three ESDs, five board members are elected by component district boards and four additional members are appointed by the elected members.

ESD boards operate much the same as local school district boards; however, the ESD board can be a contract-review board for local school districts.

ESDs are required to develop a local service plan in consultation with their component school districts.

The local service plan must be approved by at least two-thirds of its local districts, representing a majority of students. ORS. 334.175(5)(b). This approval method ensures local control and avoids overlapping services.

### **ESD local service plans must include at least:**

- Programs for children with special needs.
- Technology support for component districts.
- School improvement services.
- Administrative and support services.
- Other services as required by state or federal law.
- Annual performance measures for the ESD.

### **Common services provided by ESDs include the following:**

- Services to students with physical, emotional and learning disabilities through age 21.
- Administrative data-processing.
- Standardized testing and testing support.
- Services to non-English-speaking students.
- Staff development activities for teachers and support staff.
- Consultation for curriculum improvement.



- Films and videos to local school districts.
- Support services for graphic arts, printing, cooperative purchasing, attendance counseling and school nurses.
- Enrichment experiences for talented and gifted students.
- Administrative consultation to smaller districts.
- Oregon Department of Education school district standardization, pupil assessment and materials distribution aid.
- Services for students served by private alternative education programs listed by ODE.
- Regional special education programs contracted by the state.
- Locally funded regional alternative and vocational schools.
- Home school liaison.
- Services requested by client school districts.

## **LOCAL DISTRICT WITHDRAWAL FROM AN ESD**

During the 2013 Legislative Session, the legislature created the opportunity for all school districts to withdraw from their ESD and receive 90 percent of the district's prorated share of specified funds available to the ESD. The district school board may choose to withdraw the district from the ESD by an affirmative vote of 2/3 of all board members in accordance with the requirements listed in ORS 334.015.

## **THE ESD BUDGET PROCESS**

ESDs operate under local budget law, and their budgets are organized like school district budgets; the state provides ESDs a portion of their general operating revenue. Other sources of revenue include state and federal grants and contracts with local districts.

All ESDs have property-tax-levying authority. State law requires that 90 percent of the state revenue allocated to ESDs be devoted to client school districts through services.

## **COLLECTIVE BARGAINING**

Both teaching and classified employees at ESDs are covered by Oregon's collective bargaining law. However, not all ESD employees are represented by employee unions.

**Education  
service  
districts exist  
to provide  
services that  
many schools  
cannot afford  
on their own.**

## CHAPTER 9

# The Community College Board

**Oregon's 17 community colleges serve more than 280,000<sup>1</sup> Oregonians a year.** Their boards are charged with making sure programs meet the educational and workforce training needs of citizens across the state.

Community colleges provide continuing adult education in academic areas and workforce training with an emphasis on helping people in transition, such as those who need to “retool” their skills or prepare for a new career. Programs include lower-division academic transfer courses, professional technical programs, adult basic education, job training, self-improvement courses and an array of services to businesses. Colleges frequently contract with agencies to provide services for the federal JOBS program, inmate education training, correctional officer training and, more recently, online training for state employees.

Until a community college receives accreditation by the Northwest Association of Schools and Colleges, it contracts with an accredited community college for its transferable courses.

Every community college has a partnership agreement with an Oregon university. Colleges and universities work together to ensure smooth transfer of credits and operate under agreements that allow students to be admitted or enrolled in both institutions simultaneously.

Community colleges have a tradition of working with K-12 schools to help students prepare for careers. Some Oregon high school students graduate with associate degrees while attending high school.

### GOVERNANCE

Oregon community colleges are governed by the State of Oregon's Higher Education Coordinating Commission. HECC is the single state entity responsible for ensuring pathways to higher educational success for Oregonians statewide, and serves as a convener of the groups and institutions working across the public and private higher education arena.

HECC is a 14-member volunteer commission appointed by the Oregon governor, with nine voting members confirmed by the state Senate. The commission's key functions are:

- Providing one strategic vision for Oregon Higher Education planning, funding and policy.
- Authoring post-secondary programs and degrees.
- Administering key Oregon financial aid, workforce and other programs.
- Evaluating and reporting success of higher education efforts.

<sup>1</sup>2016-17 data from the Higher Education Coordinating Commission's Office of Research and Data.

## GENERAL AUTHORITY

### Community college boards have the authority to do the following:

- Hire employees, define duties and conditions of employment, and establish salaries.
- Enact rules for the governance of the college, including rules for employees and students.
- Prescribe the educational program (with approval from the State Board of Education).
- Control use and access to college grounds, buildings and property.
- Manage all real estate received by gift or appropriation.
- Purchase property on contracts of not more than 30 years.
- Set admission standards, tuition and fees.
- Provide public information about college programs, finances and operations.
- Provide health, guidance and counseling services for students.
- Join and pay dues to associations.
- Apply for federal funds.
- Prescribe rules for access to student records.
- Exercise other duties under the law.

ORS. 341.290.

## SPECIFIC AUTHORITY

### The community college board also has the authority to do the following:

- Enact rules to control campus traffic, parking and driving privileges. ORS 341.300.
- Levy taxes as allowed by the Oregon Constitution. ORS 341.305.
- Establish interstate taxing authority. ORS 341.309.
- Exercise eminent domain. ORS 341.311.

- Contract to deliver educational services to inmates in state-operated correctional institutions. ORS 341.317.
- Award certificates and degrees or other evidence of program completion. ORS 341.465.
- Extend financial aid and scholarships. ORS 341.475; ORS 341.478.
- Incur bonded indebtedness. ORS 341.675.

## FUNDING

In 2016-17, 36 percent of community college funding came from the state, 22 percent came from local property taxes and 36 percent from tuition and fees<sup>2</sup>. The remainder came from contracts, grants and federal funds.

## EMPLOYEE RELATIONS

Community college employees are members of the Public Employees Retirement System and are subject to Oregon's collective bargaining laws. Not all community colleges' employee groups belong to affiliated unions.

## THE OCCA

Community college board members are also served by the Oregon Community College Association. The OCCA, governed by a board consisting of the president and one board member from each of Oregon's 17 community colleges, provides legislative advocacy, information and training for member colleges.

<sup>2</sup>2016-17 data from the Higher Education Coordinating Commission.

**Community college boards are charged with ensuring programs meet the state's educational and workforce training needs.**

# Educational Resources

**Many agencies, associations and groups are involved in Oregon education.** Here are a few you may need as resources. Most of the following websites can be accessed through OSBA's site at [osba.org](http://osba.org). OSBA also connects you to many national online education resources, such as the National School Boards Association.

## **Oregon School Boards Association**

1201 Court Street NE, Suite 400  
Salem, Oregon 97301  
503-588-2800 or 800-578-6722  
[osba.org](http://osba.org)

## **American Federation of Teachers – Oregon (AFT-Oregon)**

10228 SW Capitol Hwy.  
Portland, Oregon 97219  
971-888-5665  
[or.aft.org](http://or.aft.org)

## **The Chalkboard Project**

221 NW Second Avenue, Suite 210E  
Portland, Oregon 97209  
503-542-4325  
[thechalkboardproject.org](http://thechalkboardproject.org)

## **Confederation of Oregon School Administrators**

707 13th Street SE, Suite 100  
Salem, Oregon 97301  
503-581-3141  
[cosa.k12.or.us](http://cosa.k12.or.us)

## **Education Northwest**

101 SW Main Street, Suite 500  
Portland, Oregon 97204  
503-275-9500  
[educationnorthwest.org](http://educationnorthwest.org)

## **Employment Relations Board**

528 Cottage Street NE, Suite 400  
Salem, Oregon 97301  
503-378-3807  
[oregon.gov/erb](http://oregon.gov/erb)

## **Fair Dismissal Appeals Board**

Oregon Department of Education  
255 Capitol Street NE  
Salem, Oregon 97310  
503-947-5600  
[oregon.gov/ode/educator-resources/pages/fairdismissalappealsboard.aspx](http://oregon.gov/ode/educator-resources/pages/fairdismissalappealsboard.aspx)

## **National School Boards Association**

1680 Duke Street, Floor 2  
Alexandria, Virginia 22314  
703-838-6722  
[nsba.org](http://nsba.org)

## **Oregon Association of Education Service Districts**

2611 Pringle Road SE  
Salem, Oregon 97302  
503-540-4471  
[oaesd.org](http://oaesd.org)

## **Oregon Association of School Business Officials**

707 13th Street SE, Suite 100  
Salem, Oregon 97301  
503-480-7218  
[oasbo.com](http://oasbo.com)

## **Oregon Community College Association**

260 13th Street NE  
Salem, Oregon 97301  
503-399-9912  
[occa17.com](http://occa17.com)

**Oregon Department of Community Colleges and Workforce Development**  
255 Capitol Street NE, Third Floor  
Salem, Oregon 97310  
503-378-5690  
[oregon.gov/highered/institutions-programs/ccwd](http://oregon.gov/highered/institutions-programs/ccwd)

**Oregon Department of Education**  
255 Capitol Street NE  
Salem, Oregon 97310  
503-947-5600  
[oregon.gov/ode](http://oregon.gov/ode)

**Oregon Education Association**  
6900 SW Atlanta Street  
Portland, Oregon 97223  
503-684-3300  
[oregoned.org](http://oregoned.org)

**Oregon Government Ethics Commission**  
3218 Pringle Road SE, Suite 220  
Salem, Oregon 97302  
503-378-5105  
[oregon.gov/ohec](http://oregon.gov/ohec)

**Oregon PTA (Congress of Parents and Teachers)**  
3108 SE 50th Avenue, Suite A  
Portland, Oregon 97206  
503-234-3928  
[oregonpta.org](http://oregonpta.org)

**Oregon School Activities Association**  
25200 SW Parkway Avenue, Suite 1  
Wilsonville, Oregon 97070  
503-682-6722  
[osaa.org](http://osaa.org)

**Oregon School Employees Association**  
4735 Liberty Road S  
Salem, Oregon 97302  
503-588-0121  
[osea.org](http://osea.org)

**Oregon Small Schools Association**  
2001 SW Nye Avenue  
Pendleton, Oregon 97801  
888-437-6892  
[oregonssa.org](http://oregonssa.org)

**Stand for Children**  
2121 SW Broadway, #111  
Portland, Oregon 97201  
800-663-4032  
[stand.org/oregon](http://stand.org/oregon)

**Teacher Standards and Practices Commission**  
250 Division Street NE  
Salem, Oregon 97301  
503-378-3586  
[oregon.gov/tspc](http://oregon.gov/tspc)

# OSBA Provides Services to Boards

**Imagine that someone suddenly handed you the reins of a major corporation. Would you feel prepared to make the right decisions?** Overseeing the business of a school district is a similar challenge. It requires expertise, knowledge and training, along with a commitment to serve your community.

Board members are responsible for all aspects of their school district, ESD or community college – from adopting curriculum and personnel policies to developing budgets and bond levies. School boards are closely involved in the legislative arena as advocates for public education.

OSBA provides a wide range of services to help local boards and staffs manage their districts efficiently and effectively and, most important, with a focus on student achievement and community engagement. Our staff consists of professionals with many years of experience in legislative advocacy, financial planning, legal issues, board service, school administration, communications and public relations, classroom teaching and public-sector bargaining. This broad range of expertise provides a comprehensive approach to public education issues.

When your district pays OSBA membership dues, you benefit from a variety of free services and a world of professional experience at your fingertips. OSBA services to members include legislative representation, board self-evaluation tools, meetings, newsletters, daily email news clipping service, assistance during labor strikes and legal and other consultation by

telephone on any board issue or topic. Our staff is available and eager to assist you and your board with the vital work you do for public education.

Fee-based services from OSBA include collective bargaining, policy consultation and development, legal services, executive searches, public charter school application review and monitoring, school improvement consultations, communications services and board leadership training. Fees for all services are set each June by the association's board of directors. The fees include charges for professional services, travel time, meals and lodging, mileage and clerical services. In some instances, a maximum fee may be negotiated to guarantee full service at a set price.

OSBA produces many workshops and training opportunities, an annual convention and conferences. Registration materials are sent about two months before OSBA trainings so that board members have adequate planning time. Up-to-date listings for all upcoming OSBA events and trainings are online at [www.osba.org](http://www.osba.org).

## BOARD DEVELOPMENT

**Training and development** OSBA's leadership training offers school board members a wide range of options, from workshops at the annual convention to trainings around the state (open to all members) to customized training sessions that meet your board's particular needs. Many courses are available online.

**Core leadership training topics include:**

- Roles and responsibilities (3 levels)
- Ethics
- Policy 101
- Public meetings
- Superintendent evaluation
- Community engagement
- School finance

**Leadership Institute** OSBA's Leadership Institute Awards program recognizes an individual board member's participation in OSBA board training at three levels: bronze, silver and gold.

## CHARTER SCHOOL AUTHORIZER RESOURCES

OSBA can help you review charter applications, evaluate and renew charter schools and anything in between!

**Fee-based services related to charter school authorizing include:**

- Start-to-finish charter application/approval review and facilitation, including contract negotiations.
- Assistance to board/district on appeal of charter denial to the State Board of Education.
- Annual charter school evaluation.
- Charter school renewal and facilitation.
- Charter school termination.
- Training related to the board's role in charter school authorizing.

## COMMUNICATION SERVICES

Whether your district faces a single-issue communications need or wants to develop a long-range communications plan, OSBA can help:

**Communication review.** You may need a comprehensive look at all of your district's public relations activities or an examination of a single aspect of your communications – or anything in between.

**Emergency preparedness.** We will help you develop an emergency plan in case disaster strikes.

**Bond campaign planning.** We will help you lay the groundwork for a successful bond measure. OSBA does not run such campaigns, however.

**Contract services.** Districts can contract with OSBA for regular communications services or consultation on special projects. Our staff will help you develop a communications plan and help execute it.

**Specialty workshops.** We will do custom workshops on communications planning – from goal setting to plan reviews with the board or district staff; working with the media, producing and sending annual reports; and publications reviews.

Fees for communication services are negotiated with districts at hourly, daily or per-project rates based on the complexity of the service.

## EXECUTIVE SEARCHES

Hiring a superintendent is one of the school board's most important responsibilities. Executive searches can be time-consuming and complicated. OSBA's assistance can make the job easier.

Since 1984, OSBA has helped boards hire nearly 500 executives for Oregon school districts, education service districts, community colleges and other

agencies. Our executive search service is the most comprehensive, experienced and successful in Oregon. *We help your board hire not just a person, but the right person.*

**Small district self-directed executive search service.** OSBA can help guide school boards of small school districts and education service districts (1,650 ADM or less) through the executive search process for a minimal cost.

With this service, OSBA helps small school boards hire the best candidate. The service will help boards navigate a search from start to finish, provide resources so the board doesn't have to start from scratch, give guidance on Oregon Public Meetings Law, and outline information on best hiring practices.

## LABOR SERVICES

When districts need help improving, developing or creating systems or processes to achieve better relationships with employees, we can provide it!

**Consultation or at-the-table bargaining.** We walk you through the entire bargaining process, from setting board goals to developing proposals. Whether you need at-the-table representation or just someone to review proposals, OSBA is here to assist. If you need advice or a negotiator, call OSBA.

**Interest-based bargaining.** We work with your board and employee team to examine interest-based bargaining models and find which best suits your district or college. We train groups wanting to use interest-based bargaining and can facilitate these processes.

**Contract, proposal analysis.** OSBA analyzes labor contracts and employee and union proposals. We clarify mandatory and permissive subjects of bargaining and identify language that limits management flexibility or impedes student achievement.

**Job descriptions.** When done correctly, job descriptions are an effective tool an employer can use to recruit new employees, communicate its expectations regarding performance to its employees, and establish general guidelines on which accommodation considerations can be made. We will conduct a comprehensive review of your current job descriptions, helping you update, consolidate and strengthen them for maximum effectiveness.

**Hearing representation.** OSBA specialists can represent you before the Employee Relations Board and in unfair labor practice disputes. We will represent you during employee grievance arbitration and assist you with non-renewal of probationary contracts, dismissal of probationary and contract teachers, and other state-agency proceedings.

**HR audits, analysis, guidance and studies.** We conduct comprehensive analyses of various human resource and labor relation functions for districts and community colleges and recommend improvements. We provide compensation studies and analysis, and help ensure compliance with human resources law in areas such as employee leaves, the Americans with Disabilities Act and its amendments, and workers' compensation.

**Workshops.** OSBA offers knowledgeable, experienced trainers to provide you with workshops and trainings on labor relations and negotiations; federal and state labor laws; layoff and recall; compensation; leave administration; selection and staff development; evaluation; and a variety of other topics. If you prefer, we'll customize a workshop for your district.

**Labor and Employment Regional Workshops.** Legal and labor staff hold this one-day conference each year. Topics have included: labor and employment case law updates,



legislative impacts on labor issues, how to have difficult conversations, and other trending topics.

**Compensation surveys and other tools.**

Our surveys show how your salaries and benefits rank among Oregon schools. SPOT (School Personnel Online Tools subscription service) instantly gives you comparative salary and benefit data including SABA (Salary and Benefit Analyzer), *Negotiator's Notebook*, a contract language index and more.

## LEGISLATIVE SERVICES

Our Legislative Services team serves as your eyes, ears and voice at the State Capitol and working with state agencies, the legislature and a coalition of education advocates. Our legislative experts develop and maintain relationships with state leaders and work with them on issues related to public education. OSBA legislative staff members have developed solid reputations across the state as reliable, authoritative sources for the public-education perspective.

OSBA has increased legislative advocacy training for school board members through regional meetings and the Legislative Policy Committee. OSBA has also increased its outreach to help communities build grassroots efforts to advocate for a stable, long-term school funding system.

**Legislative Policy Committee.** OSBA's legislative policies and priorities are set in the years prior to regular legislative sessions by the Legislative Policy Committee. The Legislative Policy Committee is made up of 19 regionally elected members representing all areas of the state, and the OSBA board of directors.

**Legislative policy development.**

OSBA's Legislative Policy Committee develops the association's legislative policies and priorities, which are reviewed

and ratified by the board of directors and referred to the OSBA membership for approval. During the process, member involvement is encouraged through regional meetings.

**Legislative news.** When the legislature is in session, OSBA publishes a weekly newsletter, *Legislative Highlights*, which is emailed to members. The OSBA website includes bill tracking, bill summaries, background on issues and more resources to keep members involved and informed during the legislative session.

**Advocacy.** OSBA's Legislative Services team works to prepare and involve members in grassroots advocacy for public education. Board members are called upon to provide testimony at the Capitol to inform legislators of the effect legislation would have in schools, ESDs and community colleges.

## LITIGATION SERVICES

Whether you need on-the-spot counsel or long-term guidance, you can trust OSBA's Litigation Services' legal team. Our lawyers have years of experience dealing with the legal issues that schools, ESDs and community colleges face. Education law is their specialty.

**Employment contracts.** Our attorneys can review non-collective bargaining agreement (CBA) employment contracts including those for superintendents, community college presidents, administrators and charter school employees.

**Contracts.** Our attorneys can review liability provisions in contracts with vendors and other third parties.

**Public records.** Our attorneys can provide advice and assistance with responding to public records requests.

**Ethics.** Our attorneys can provide advice on questions regarding the Oregon government ethics laws.

**Executive sessions.** Our attorneys can provide advice regarding when it is appropriate for a board to go into executive session.

**Custom workshops.** Our custom legal workshops address employee hiring, discipline, termination, sexual harassment, discrimination, social media, athletic liability, bullying, boundary invasion and child abuse reporting.

**School Law Conference.** Each fall, OSBA sponsors a conference with the University of Oregon and the Confederation of Oregon School Administrators to update administrators on school law issues. For registration information, contact COSA at 503-581-3141.

## PROPERTY AND CASUALTY COVERAGE FOR EDUCATION (PACE)

PACE provides comprehensive property and casualty coverage and services for school districts, education service districts, charter schools and community colleges.

### PACE provides members with:

- Online training through SafeSchools and SafeColleges for all entity employees.
- On-site education and training to help members stay current with safety best practices.
- Risk management representatives who will visit schools to conduct inspections and help you avoid potential damage or liability.
- Free PACE legal advice.
- A legal team experienced in school law that offers services at a reduced rate for PACE members.

- Claims adjusters trained in school service.
- Crisis management support by a team of experienced communications professionals and legal advisers.

## POLICY SERVICES

The establishment and maintenance of effective, clearly written policy is one of the board's most important responsibilities. Board policy documents must contain certain requirements as set forth in state and federal laws and should reflect the current best business and educational practices. Good policy is essential to high-quality management. Board policies guide staff as they develop administrative regulations that provide direction for the work of the organization.

Creating new and maintaining existing language, as well as improving the policy-making practices by Oregon school boards, is an important OSBA function. Our experienced Policy Services staff provides reliable policy assistance and information to help school boards draft and maintain policies.

### Our program offers:

- Consultation.
- Sample policy clearinghouse.
- Policy Update, with sample policies reflecting changes in the law and current issues.
- Policy rewrite – a process involving the board and administration in the development and adoption of board policy and associated administrative regulations.
- Policy manual analysis.
- Policy manual maintenance.
- Policy Plus, a subscription process that, for a monthly fee, allows

the district a disk and rewrite for \$1,000 at the end of four years.

- Sample staff and student handbooks.
- Small district project – alternative approaches to policy development for districts under 500 ADM.
- Online web hosting of board policy manual.
- Custom workshops on board governance through policy.

Fees for policy services are based on district size.

## **OSBA'S WEBSITE WWW.OSBA.ORG**

We update our website daily with news and topics of interest to members. Our website offers links to a wealth of local, regional and national education sites, and our search engine helps you find the information you need.

We offer online registration for all OSBA workshops and events.

We make it easy for you to communicate with OSBA staff, board and Legislative Policy Committee members with email links.

### **Other online resources**

- OSBA events calendar.
- Ask OSBA – OSBA staff answer your questions about board governance, roles and responsibilities, good practices and more.
- Crisis management tips.
- Legislative, policy, labor relations, board development, legal and communications information and tools.
- Online learning courses.

- Member resources and publications.
- Information on workshops and conferences.
- OSBA News Center.
- A complete list of Oregon school districts, ESDs and community colleges.
- Links to agencies, associations and groups involved in Oregon public education.

## CONTACT

**OREGON SCHOOL BOARDS ASSOCIATION**

1201 Court Street NE, Suite 400 | Salem, OR 97301

**503-588-2800 | 1-800-578-OSBA**

FAX 503-588-2813

**OSBA.ORG**

